

**REMARKS/ARGUMENTS**

Claims 3 and 37-45 are currently pending in this application.

**Double Patenting Rejection**

Claims 3 and 37-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 36, 55, 74, 94, 121, 139, and 146 of U.S. Patent No. 10/764,196. A Terminal Disclaimer is submitted herewith to overcome the obviousness-type double patenting rejection. The withdrawal of the obviousness-type double patenting rejection is respectfully requested.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

**Applicant:** Gorsuch et al.  
**Application No.:** 10/776,424

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Gorsuch et al.

By /John C. Donch Jr./\_\_\_\_\_  
John C. Donch Jr  
Registration No. 43,593

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

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Enclosure